



DECLARATION UNDER 37 CFR 1.132

1. James A. de Haseth, hereby declare as follows:

1. I am making this declaration to supplement a declaration that I previously made and which I understand has been filed in U.S. Patent application 09/977,664 of Robert Herpst (hereinafter the "Herpst application") and I reassert all of the statements and opinions I expressed in that prior declaration.

2. In my professional career, I have become very familiar with all of the types of sample holding devices and accessories used in infrared spectroscopy, and none of those sample holding devices has ever included a sample holding substrate of the type defined in the claims of the Herpst application.

3. In my experience all of the crystal or glass infrared light transmitting windows and sample supporting substrates used as sample holders in a spectrophotometer have used infrared light transmitting substrates formed by precision optical polishing or vapor deposition.

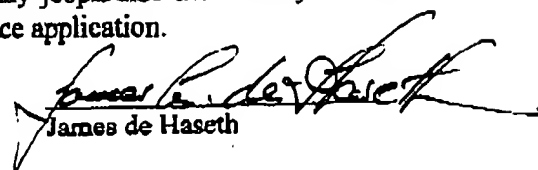
4. My opinion in my prior declaration filed in the Herpst application is based upon this experience.

5. I also based my opinions on the fact that the invention described in the claims of the Herpst application offers a low cost disposable sample substrate that is easy to use. In contrast to existing sample cards described in the 3M patents, which I understand to be U.S. Patent 5,470,757 and U.S. Patent 5,764,355, the card using a crystal optic substrate prepared in the manner set forth in the claims of the Herpst application do not have any material absorbances that would interfere with spectroscopic analysis and in contrast to other sample holding devices they are much more inexpensive and also disposable.

6. Except for polymer base cards of the type disclosed in the aforementioned 3M patents, prior art sample holders used in infrared spectroscopy are generally too expensive to be disposable, and the polymer cards of the 3M patent exhibit strong absorbances in the spectral range of interest to infrared spectroscopists and can complicate spectral analyses.

I hereby declare that all statements made herein of my own knowledge are true and correct and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued under the above reference application.

Date: Feb 23, 2006


James de Haseth